NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FREDERICK L. STIVENDER, Plaintiff-Appellant, v. FRANKLIN POWELL, Warden, in his capacity as Warden, Defendant-Appellee.	No. 97-15032 D.C. No. CV-95-03480-MMC ORDER (Filed Nov. 19, 1997)

Before: KOZINSKI, MAYER,* and FERNANDEZ, Circuit Judges.

The panel has unanimously voted to deny the appellant's petition for rehearing. The suggestion for rehearing en banc was circulated to the judges of the court, and no judge requested a vote for en banc consideration.

The petition for rehearing is DENIED and the suggestion for rehearing en banc is REJECTED.

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* Hon. H. Robert Mayer, United States Circuit Judge for the Federal Circuit, sitting by designation.